# FEDERAL REGISTER

VOLUME 18 NUMBER 28

Washington, Wednesday, February 11, 1953


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, § 6.112 (b) (1) is amended to read as follows:

§ 6.112 *Department of Commerce.*

* * *

(b) *Office of the Secretary.* (1) Two private secretaries or confidential assistants to the Secretary of Commerce, one to each Under Secretary of Commerce, one to the Solicitor of the Department of Commerce, and one to each Assistant Secretary of Commerce.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
*Executive Director*

[F. R. Doc. 53-1363; Filed, Feb. 10, 1953; 8:46 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter F—Insecticides

[Interpretation 13]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

INTERPRETATION WITH RESPECT TO SHIPMENTS FOR EXPERIMENTAL USE; PERMIT REQUIREMENTS

On December 20, 1952, there was published in the FEDERAL REGISTER (17 F. R. 11626) an amendment of § 162.17 (7 CFR 162.17) of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135–135k) Said amendment of § 162.17 necessitates the amendment of Interpretation 13 with respect to shipments for experimental use-permit requirements (7 CFR 162.111).

Therefore, pursuant to the authority vested in me by § 162.3 of the regulations (7 CFR 162.3) under the Federal Insecticide, Fungicide, and Rodenticide Act, said Interpretation 13 is amended to read as follows:

§ 162.111 *Interpretation with respect to shipments for experimental use; permit requirements—(a) Shipments for experimental use by certain Federal and State agencies.* The penalties provided for violation of section 3a of the act do not apply to the manufacturer or shipper of an economic poison intended only for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons. This means that a manufacturer may freely ship economic poisons for experimental use by or under the supervision of the agencies indicated without registration or any other compliance with section 3a of the act. No Federal permits for these shipments are required.

(b) *Shipments for experimental use by others.* In the case of shipments of economic poisons for experimental use only, to parties other than Federal or State agencies authorized by law to conduct research in the field of economic poisons or to those working under their supervision, the same exemption from the penalties set forth for violation of section 3a of the act exists: *Provided*, That a permit has been obtained from the Department before shipment of the goods. This provision of the act is intended to apply primarily to shipments of products which have already been found to have economic poison value, but which are being tested further, usually on a larger scale, to determine their limitations. The information about their effectiveness is usually not sufficient to enable the preparation of adequate directions for use and adequate warning statements and, therefore, suitable labeling for registration cannot be prepared without further experimentation. This experimental work may be carried out on a large scale, including treatment of many acres of crops in various sections of the country. However, it must be carried out in such a way as to avoid injury to humans and useful animals. If the economic poison is to be tested

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FEDERAL REGISTER

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.



for a use which is likely to result in contamination of food or feed the affected food or feed must be disposed of without allowing it to be consumed by humans, or by useful animals except those used for toxicity tests, unless there is convincing evidence that the proposed use will not result in injury to them.

(c) *Sale of the product.* The economic poison may be sold to the user or may be supplied to him without charge. If it is not furnished without charge the label must bear, in addition to other required material, a statement of the names and percentages of the principal active ingredients in the product. This is intended to include the names and percentages of the ingredients commonly known as toxicants but not necessarily the names and percentages of ingredients which act primarily as solvents, emulsifiers, carriers or in a similar manner. The experimental work must be carried out by persons qualified to evaluate the results obtained. Offering the product for sale to anyone who wishes to purchase it is not considered marketing for experimental use only, and is prohibited. Products so offered will be subject to registration and all other requirements of the law.

(d) *Types of products and labeling.* (1) An economic poison shipped for experimental use may be one which has not previously been used as an economic poison, or it may be one which has had other economic poison uses and is now being tested for a new use.

(2) The labeling of all economic poisons shipped under permit must bear the following:

(i) The prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling.

(ii) A warning or caution statement if it is necessary for the protection of those who may handle or be exposed to the economic poison.

(iii) The name and address of the applicant for the permit.

(iv) The name of the formulation; and,

(v) If the economic poison is to be sold, the names and percentages of its principal active ingredients.

(e) *Specific and general permits.* (1) If a manufacturer desires to make a single shipment of an economic poison for experimental use, he may obtain a permit for that specific shipment; or

(2) If he desires to make more than one shipment of a single economic poison or closely allied economic poisons for experimental use, he may apply for a general permit. A general permit will be subject to the following limitations and may be cancelled at any time for any violation of its terms:

(i) It will be good only for a specified period of time, in no case exceeding one year.

(ii) It will be subject to the truthfulness of the representations made in the application for the permit.

(iii) It will apply only to one economic poison or closely allied group of such products. This provision is intended to include under one permit different formulations of the same material which are being tested to determine the best formulation for the particular use, but is not intended to include under one permit entirely different chemicals used as economic poisons.

(f) *Application for permits.* An application for a permit for shipment for experimental use should be made in duplicate on forms which may be obtained from the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., giving in full the following information:

(1) Name and address of the shipper and place or places from which the shipment will be made.

(2) Proposed date of shipment or proposed shipping period not to exceed one year.

(3) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(4) A statement of the approximate quantity to be shipped.

(5) Available data or information or reference to available data or information on the acute toxicity of the economic poison.

(6) A statement of the nature of the proposed experimental program, including the type of pests or organisms to be experimented with, the crops or animals for which the product is to be used, the areas where it is proposed to conduct the program, and including the results of previous tests where necessary to justify the quantity requested.

(7) When food or feed is likely to be contaminated, either a full statement of action which will be taken to prevent the food or feed from being consumed, except by laboratory or experimental animals, or convincing evidence that the proposed experiment will not result in injury to man or useful animals.

(8) The percentage of the total quantity specified under subparagraph (4) of this paragraph which will be supplied without charge to the user.

(9) A statement that the economic poison is intended for experimental use only.

(10) Proposed labeling for the product.

Applications will be considered as rapidly as possible. In special cases the manufacturer may request telegraphic notification at his expense of the issuance of the permit.

(g) *Limitation of quantity of economic poison permitted for experimental use.* When the available information on the effectiveness, toxicity or other hazards inherent in a proposed experimental use of an economic poison is not sufficient to assure that it is safe under the conditions of the experiment, the full quantity requested may not be permitted or other limitations may be placed upon the permit if necessary for the protection of the public. This is intended to apply particularly if the material is to be handled and applied by people who have not been especially trained in the use of poisons or if its use on a scale as broad as that requested is likely to constitute an unwarranted hazard.

(h) *Cancellation of permits.* A permit for shipment of an economic poison for experimental use may be cancelled at any time for any violation of its terms. It may also be cancelled if it appears upon further consideration that distribution of the product under the terms of the permit constitutes a hazard to the public.

(i) *Custom mixes.* Permits will not be issued for so-called custom mixes which are ordinarily economic poisons prepared to the special formula of the user. These are not intended for experimental use, but are special economic poisons intended for special uses. When shipped in interstate commerce, they are subject to the registration and other provisions of the law.

(j) *Shipment of products not classified as economic poisons.* Section 162.17 (a) (1) provides that a product is not an economic poison when it is being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and when the user does not expect to receive any benefit in pest control. This will, in general, include products being put through so-called screening tests or preliminary tests to determine whether further tests with them are worth while; products shipped to toxicological laboratories to determine their toxicity; products sent to chemical laboratories for chemical investigation; and products shipped for tests by testing laboratories which maintain test plots solely to evaluate the effectiveness of the product and not for the value of the crops obtained. Permits are not required for shipments of products of this type and they are not subject to the provisions of the act in any way. There is no requirement for any report concerning them to the Department, except when it is necessary to report the results of the tests to support claims when they are later submitted for registration or when an application for a permit for shipment for experimental use is submitted. However, confidential progress reports will be valuable to the Department.

(Sec. 6, 61 Stat. 163; 7 U. S. C. Sup. 135d)

The foregoing interpretation shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of February 1953.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 53-1370; Filed, Feb. 10, 1953; 8:46 a. m.]

# TITLE 6—AGRICULTURAL CREDIT

## Chapter III—Farmers Home Administration, Department of Agriculture

### Subchapter B—Farm Ownership Loans

### PART 311—BASIC REGULATIONS

### SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; IDAHO, NORTH DAKOTA, OREGON, UTAH, AND WASHINGTON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

| County | Average value | Investment limit |
|---|---|---|
| **IDAHO** | | |
| Camas | $13,000 | $12,000 |
| Canyon | 20,000 | 12,000 |
| Clearwater | 15,000 | 12,000 |
| Latah | 15,000 | 12,000 |
| Nez Perce | 18,000 | 12,000 |
| Owyhee | 20,000 | 12,000 |
| Payette | 13,000 | 12,000 |
| Shoshone | 15,000 | 12,000 |
| Valley | 10,000 | 12,000 |
| **NORTH DAKOTA** | | |
| McKenzie | $20,000 | $12,000 |
| Williams | 21,000 | 12,000 |
| **OREGON** | | |
| Clackamas | $22,000 | $12,000 |
| Clatsop | 27,000 | 12,000 |
| Columbia | 23,000 | 12,000 |
| Coos | 23,000 | 12,000 |
| Crook | 22,000 | 12,000 |
| Curry | 27,000 | 12,000 |
| Douglas | 20,000 | 12,000 |
| Gilliam | 28,000 | 12,000 |
| Grant | 20,000 | 12,000 |
| Hood River | 27,000 | 12,000 |
| Jackson | 27,000 | 12,000 |
| Jefferson | 22,000 | 12,000 |
| Josephine | 27,000 | 12,000 |
| Klamath | 23,000 | 12,000 |
| Lane | 23,000 | 12,000 |
| Lincoln | 20,000 | 12,000 |
| Marion | 22,000 | 12,000 |
| Multnomah | 27,000 | 12,000 |
| Polk | 20,000 | 12,000 |
| Tillamook | 24,000 | 12,000 |
| Umatilla | 20,000 | 12,000 |
| Union | 21,000 | 12,000 |
| Washington | 23,000 | 12,000 |
| Wheeler | 23,000 | 12,000 |
| Yamhill | 22,000 | 12,000 |
| **UTAH** | | |
| Beaver | $18,000 | $12,000 |
| Carbon | 13,000 | 12,000 |
| Daggett | 18,000 | 12,000 |
| Davis | 20,000 | 12,000 |
| Duchesne | 18,000 | 12,000 |
| Emery | 15,000 | 12,000 |
| Grand | 18,000 | 12,000 |
| Iron | 18,000 | 12,000 |
| Juab | 15,000 | 12,000 |
| Millard | 15,000 | 12,000 |
| Morgan | 20,000 | 12,000 |
| Piute | 18,000 | 12,000 |
| Rich | 13,000 | 12,000 |
| Salt Lake | 18,000 | 12,000 |
| San Juan | 18,000 | 12,000 |
| Sanpete | 18,000 | 12,000 |
| Sevier | 18,000 | 12,000 |
| Summit | 20,000 | 12,000 |
| Tooele | 18,000 | 12,000 |
| Uintah | 18,000 | 12,000 |
| Utah | 20,000 | 12,000 |
| Wasatch | 20,000 | 12,000 |
| Washington | 15,000 | 12,000 |
| Wayne | 15,000 | 12,000 |
| **WASHINGTON** | | |
| Adams | $27,000 | $12,000 |
| Asotin | 22,000 | 12,000 |
| Chelan | 20,000 | 12,000 |
| Clallam | 15,000 | 12,000 |
| Clark | 21,000 | 12,000 |
| Cowlitz | 18,000 | 12,000 |
| Douglas | 20,000 | 12,000 |
| Ferry | 18,000 | 12,000 |
| Franklin | 22,000 | 12,000 |
| Grant | 23,000 | 12,000 |
| Grays Harbor | 18,000 | 12,000 |
| Island | 20,000 | 12,000 |
| Jefferson | 16,000 | 12,000 |
| King | 20,000 | 12,000 |
| Kitsap | 18,000 | 12,000 |
| Kittitas | 21,000 | 12,000 |
| Klickitat | 18,000 | 12,000 |
| Lewis | 20,000 | 12,000 |
| Okanogan | 18,000 | 12,000 |
| Pacific | 15,000 | 12,000 |
| Pend Oreille | 15,000 | 12,000 |
| Pierce | 19,000 | 12,000 |
| San Juan | 17,000 | 12,000 |
| Skagit | 20,000 | 12,000 |
| Skamania | 17,000 | 12,000 |
| Snohomish | 20,000 | 12,000 |
| Spokane | 20,000 | 12,000 |
| Stevens | 20,000 | 12,000 |
| Thurston | 18,000 | 12,000 |
| Wahkiakum | 18,000 | 12,000 |
| Whatcom | 20,000 | 12,000 |
| Yakima | 22,000 | 12,000 |

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 6th day of February, 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-1369; Filed, Feb. 10, 1953; 8:46 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 60-2]

### PART 60—AIR TRAFFIC RULES

DEFINITION OF CEILING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of February, 1953.

The United States Weather Bureau has revised its procedures for the determination and measurement of "ceiling" A ceiling is now technically considered to be the lowest layer of clouds or obscuring phenomena reported as "broken" "overcast" or "obscuration" and not classified as "thin" or "partial" This change is significant in that a broken or overcast layer of clouds will no longer be reported as a ceiling if the layer is predominantly transparent. Concurrent with this change in procedure the Weather Bureau has also revised its definition of ceiling.

The purpose of this amendment is to bring the Civil Air Regulations into conformity with the foregoing changes in the procedure of ceiling determination.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective March 12, 1953.

By amending § 60.72 to read as follows:

§ 60.72 *Ceiling.* The height above the ground or water of the lowest layer of clouds or obscuring phenomena that is reported as "broken" "overcast" or "obscuration" and not classified as "thin" or "partial"

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 501)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-1390; Filed, Feb. 10, 1953; 8:47 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

### PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.38, the Warren Grove, New Jersey, area (D-26) published on August 18, 1949, in 14 F R. 5145, and amended on May 17, 1951, in 16 F R. 4607, is further amended by changing the "Designated Altitudes" column to read: "Surface to unlimited"

2. In § 608.52, the Wendover, Utah, Northern Area (D-258) published on July 16, 1949, in 14 F R. 4296, and amended on May 20, 1952, in 17 F R. 4558, is further amended by changing the "Using Agency" column to read: "Castle AFB, Merced, California"

3. In § 608.52, the Wendover, Utah, Southern Area (D-259) published on July 16, 1949, in 14 F R. 4296, and amended on January 24, 1952, in 17 F R. 715, is further amended by changing the "Using Agency" column to read "Castle AFB, Merced, California"

4. In § 608.62, the Kaena Point, Territory of Hawaii, area (D-317) published on July 16, 1949, in 14 F R. 4298, is amended by changing the "Using Agency" column to read: "United States Army Pacific"

5. In § 608.62, the Island of Kahoolawe, Territory of Hawaii, area (D-327), published on July 16, 1949, in 14 F R. 4298, and amended on November 29, 1951, in 16 F R. 11993, is further amended by changing the "Using Agency" column to read: "Fleet Air Hawaii"

6. In § 608.62, the Kahuku, Island of Oahu, Territory of Hawaii, area (D-324) published on October 29, 1949, in 14 F R. 6596, is amended by changing the "Using Agency" column to read: "United States Army, Pacific"

7. In § 608.62, the Kahuku Point, Island of Oahu, Territory of Hawaii, area (D-323) published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Using Agency" column to read: "Fleet Air Hawaii"

8. In § 608.62, the Makua, Island of Oahu, Territory of Hawaii, area (D-315) published on April 29, 1950, in 15 F R. 2435, is amended by changing the "Using Agency" column to read: "United States Army, Pacific"

9. In § 608.62, the Mokuhooniki Rock, Island of Molokai, Territory of Hawaii, area (D-326) published on July 16, 1949, in 14 F R. 4298, is amended by changing the "Using Agency" column to read: "Fleet Air Hawaii"

10. In § 608.62, the Mokuleia, Island of Oahu, Territory of Hawaii, area (D-333) published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Using Agency" column to read: "United States Army, Pacific"

11. In § 608.62, the Schofield, Island of Oahu, Territory of Hawaii, area (D-335) published on October 29, 1949, in 14 F R. 6596, and amended on December 20, 1949, in 14 F. R. 7577, is further amended by changing the "Using Agency" column to read: "United States Army, Pacific"

12. In § 608.62, the West Molokai, Island of Molokai, Territory of Hawaii, area (D-325) published on December 31, 1949, in 14 F R. 7883, is amended by changing the "Using Agency" column to read: "Fleet Air Hawaii"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 13, 1953.

[SEAL] F B. LEE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-1366; Filed, Feb. 10, 1953; 8:45 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 5969]

### PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENRUS WATCH CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under 2 (a)* § 3.715 *Charges and price differentials;* § 3.725 *Cumulative quantity discounts and schedules.* In the sale of men's and women's watches or other jewelry products of like grade and quality to purchasers for resale within the United States and places subject to the jurisdiction of the United States, directly or indirectly, discriminating in price between said purchasers, where either or any of the purchases involved therein are in said commerce, by selling said products to any of said purchasers at prices which are higher than the prices at which said products are sold by respondent to any other of said purchasers (a) where respondent in the sale of said products to any purchaser charged such lower prices is in competition with any other seller and where such lower prices to said purchaser are lower by any amount which is determined or measured by said purchaser's volume or purchases of said products over a period of time, or (b) where any purchaser charged such lower prices is in competition in the resale of said products with any purchaser charged such higher prices; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Benrus Watch Company, Inc., New York, N. Y., Docket 5969, November 6, 1952]

This proceeding was instituted by complaint which charged respondents with discriminating in price between different purchasers of commodities of like grade and quality in violation of the provisions of subsection (a) of section 2 of the Clayton Act, as amended.

It was disposed of, as announced by the Commission's "Notice," dated November 7, 1952, through the consent settlement procedure provided in Rule V

of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on November 6, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

*It is ordered,* That the respondent Benrus Watch Company, Inc., a corporation engaged in commerce, as "commerce" is defined in the aforesaid Clayton Act, its officers, representatives, agents, and employees, directly or through any corporate or other device, in the sale of men's and women's watches or other jewelry products of like grade and quality to purchasers for resale within the United States and places subject to the jurisdiction of the United States, do forthwith cease and desist from directly or indirectly discriminating in price between said purchasers, where either or any of the purchases involved therein are in said commerce, by selling said products to any of said purchasers at prices which are higher than the prices at which said products are sold by respondent to any other of said purchasers (a) where respondent in the sale of said products to any purchaser charged such lower prices is in competition with any other seller and where such lower prices to said purchaser are lower by any amount which is determined or measured by said purchaser's volume or purchases of said products over a period of time, or (b) where any purchaser charged such lower prices is in competition in the resale of said products with any purchaser charged such higher prices.

*It is further ordered,* That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
*Acting Secretary.*

[F. R. Doc. 53-1381; Filed, Feb. 10, 1953; 8:47 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 25, Correction]

### DMO 25—ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR PRODUCTION

CORRECTION OF CLERICAL ERROR

In paragraph 4 of Defense Mobilization Order 25 (18 F. R. 821), the effective date of February 10, 1953 should be February 4, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
*Acting Director*

[F. R. Doc. 53-1444; Filed, Feb. 10, 1953; 11:20 a. m.]

## Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 8, Amdt. 9]

### GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF MANUFACTURERS' SALES OF MILK BOTTLE CAPS AND CLOSURES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price controls manufacturers' sales and deliveries of milk bottle caps and closures. These products, produced for the exclusive use of closing glass milk bottles are manufactured from paper, paperboard, cellophane black plate and aluminum foil, as well as from many combinations of these materials. In addition to the many combinations of materials, caps, and closures are made in various sizes and calipers.

There are eleven United States producers of milk bottle caps and closures, of which all but one are located east of the Mississippi River. In 1951 the total industry produced approximately 14 billion units valued at more than 26½ million dollars. However, there is a very substantial potential surplus within the industry and competition is very keen. At the present time, there are approximately 22 billion packages of milk produced annually in this country of which only 8 billion are packaged in all paper cartons. Within the past few years paper packaging has grown from about 2 billion to 8 billion units annually. This trend to paper packaging continues to increase at the expense of the glass bottle and the caps and closure industry.

Ceiling prices for this industry as established under CPR 133 permit each manufacturer to apply a uniform adjustment factor of 1.023 percent to his GCPR price for each milk bottle cap and closure item. The calculation of this adjustment factor was devised to equal the average percentage change in direct costs for the industry under CPR 22. GOR 35 allows the manufacturer to pass through any increased cost of black plate and aluminum to the consumer. This permits a slight increase in the ceiling price established under CPR 133 for caps and closures made from or containing either of these two materials. Decontrol of this industry may result in an advance in prices for some caps and closures but in no event is the advance in price of any item expected to exceed 5 percent. This increased cost will have no substantial bearing on the cost of a bottle of milk since the average cost of the closure is approximately only $1.90 per thousand. Consequently, this decontrol action will not have an inflationary effect on the economy or the cost of living because milk bottle caps and closures are an insignificant cost factor to the consumer. Neither will it result in a diversion of manpower or materials from more essential uses, nor cause difficulty in maintaining controls in other areas. In view of the foregoing circumstances, the Director finds that the administrative burden on the agency and affected industry of establishing and maintaining ceiling prices for manufacturers of milk bottle caps and closures would be disproportionate to the benefits gained thereby.

The Director of Price Stabilization finds that Amendment 7 to the General Overriding Regulation 8 is generally fair and equitable and in his judgment is necessary and proper to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 8 is amended in the following respects:

1. Section 1 (a) is amended by the addition of subparagraph (7) to read as follows:

(7) Manufacturers' sales of milk bottle caps and closures.

2. Section 2 (a) is amended by the addition of subparagraph (10) to read as follows:

(10) "Milk bottle caps and closures" include all products used as caps, closures or hoods for glass milk bottles, whether such products are made of paperboard, cellophane, aluminum, or any other material.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

*Effective date.* This Amendment 9 to General Overriding Regulation 8 shall become effective February 10, 1953.

JOSEPH H. FREEHILL,
*Director of Price Stabilization.*

FEBRUARY 10, 1953.

[F. R. Doc. 53-1441; Filed, Feb. 10, 1953; 11:06 a. m.]

## Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 1, Amendment 1 of February 10, 1953]

### REG. 1—INVENTORY CONTROL

MISCELLANEOUS AMENDMENTS

This amendment to NPA Reg. 1 as last amended December 24, 1952, is found necessary and appropriate to promote the national defense and is issued pur-

[1] Filed as part of the original document.

suant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation was had with industry representatives, including trade association representatives, and consideration was given to their recommendations.

NPA Reg. 1, as amended December 24, 1952, is hereby further amended in the following respects:

1. In Table IA thereof, under the heading "Metals and Minerals," the following items are deleted:

Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.

2. In Table IA thereof, under the heading "Metals and Minerals," the item "Scrap," is amended to read:

Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, zinc, and tin scrap).

3. In Table IA thereof, the heading "Containers and Packaging Materials" and all items listed thereunder, together with the related footnote 1, are deleted.

4. In Table IB thereof, the following item and the number of days set opposite, are deleted:

| | |
|---|---|
| Components and parts for electric light bulbs and tubes | 60 |

5. In Table II the following items under the column headings indicated are deleted:

| Materials: | NPA order or regulation |
|---|---|
| Pig tin | M-8 |
| Lead-base alloys (1.5 percent or more tin) | M-8 |
| All other materials and alloys containing 1.5 percent or more tin | M-8 |
| Cans | M-25 |

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 10, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W AUXIER,
*Executive Secretary.*

[F. R. Doc. 53-1440; Filed, Feb. 10, 1953; 10:36 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 884]

LOUISIANA

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising a part of the Barksdale Bombing and Gunnery Range portion of the Barksdale Air Force Base Reservation, Louisiana, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

LOUISIANA MERIDIAN

T. 18 N., R. 11 W.,
Sec. 19, SW¼ and S½SE¼, those portions lying south of the south right-of-way line of the Vicksburg, Shreveport, and Pacific Railway Company;
Sec. 30.
T. 18 N., R. 12 W.,
Sec. 23, S½, that portion lying south of the south right-of-way line of the Vicksburg, Shreveport, and Pacific Railway Company;
Sec. 24, S½, that portion lying south of the south right-of-way line of the Vicksburg, Shreveport, and Pacific Railway Company;
Sec. 25, N½,
Sec. 26, NE¼.

The areas described aggregate approximately 1,900 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for air force purposes.

4. No oil and gas lessee shall use or invade, for any purpose, the surface of the SW¼NW¼, W½SW¼ sec. 30, T. 18 N., R. 11 W., S½N½ sec. 25 and S½NE¼ sec. 26, T. 18 N., R. 12 W.

5. Prior to any advertisement for bids the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

6. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

JOEL D. WOLFSOHN,
*Assistant Secretary of the Interior*

FEBRUARY 5, 1953.

[F. R. Doc. 53-1365; Filed, Feb. 10, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[ 7 CFR Part 988 ]

[Docket No. AO 195-A 5]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Farragut Hotel, 530 South Gay Street, Knoxville, Tennessee, beginning at 10:00 a. m., e. s. t., February 16, 1953, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the Knoxville, Tennessee, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR 988 et seq.) These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, milk marketing area were proposed, as follows:

By Knoxville Milk Producers' Association and certain Knoxville Handlers.

1. Add the following proviso to § 988.51 (b)

*Provided,* That from the effective date hereof the price per hundredweight for all producer milk received at a fluid milk plant that is used to produce butter, or is transferred to a non-fluid milk plant located more than 50 miles from the Knox County Courthouse and used to produce any item other than those as set forth in § 988.41 (a) (1) shall be the price computed above less the appropriate amounts that will effectuate the orderly marketing of distress milk.

By the Knoxville Milk Producers' Association.

2. Delete § 988.72 (d) and substitute therefor:

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant

to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the price(s) for Class II milk of 4.0 percent butterfat content beginning in series with the lowest price for Class II milk of 4.0 percent butterfat content: multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts:

3. Amend § 988.15 to read as follows:

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days in such delivery period.

4. Add a new section to read as follows:

§ 988.34 *Reports to cooperative association.* On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association as described in § 988.88 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in proportion that the total receipts of milk from producers by such handler were used in each class.

By the Avondale Farms Creamery.

5. Amend § 988.41 (a) by adding thereto the following: "(3) in inventory variation"; and, amend § 988.41 (b) by deleting therefrom: "(2) in inventory variation"

By Dairy Branch, Production and Marketing Administration.

6. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 205 Flatiron Building, 705 Broadway NE., Knoxville, Tennessee, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated February 10, 1953, at Washington, D. C.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator.*

[F. R. Doc. 53-1442; Filed, Feb. 10, 1953; 11:19 a. m.]

# NOTICES

## CIVIL AERONAUTICS BOARD

[Docket No. 5947; Order Serial No. E-7141]

RENEWAL OF CERTAIN PROVISIONS OF ECONOMIC REGULATIONS AND INVESTIGATION OF INDIRECT AIR CARRIAGE OF PROPERTY

ORDER OF INVESTIGATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of February 1953.

The Board promulgated Part 296 of the Economic Regulations after finding in the Air Freight Forwarder Case, 9 CAB 473 (1948) that the services of freight forwarders should be permitted on a temporary basis and for a limited period during which experience could be developed upon which a permanent policy might be soundly determined. Part 296 of the Economic Regulations expires October 15, 1953; the trial period for forwarders, therefore, as envisaged by the Board in the Air Freight Forwarder Case, is drawing to a close.

The services now performed and to be performed by air carriers indirectly engaged in the air transportation of property present problems of unique and novel character in the field of air transportation. The imminent expiration of the aforesaid Part 296, and the holding by the Board in Docket 4902 that a shippers' association may be an indirect air carrier, requires a thorough investigation at this time into the problems of indirect air carriers of property as a means of analyzing the record of forwarder experience which has developed under Part 296, with a view to determining a sound permanent policy for the future of the indirect carrier (property) and for the forwarding industry. Particularly, further inquiry of a formal nature is now needed to determine the extent to which there may be a continuing need for air freight forwarders in view of the burgeoning of other indirect air carriers of property, e. g., so-called shippers' associations and shippers' cargo agents, and the extent to which there is a need for classification of all indirect air carriers of property, with suitable regulation to insure fullest development of each class. No question is raised at this time with respect to the activities of Railway Express Agency, Inc. (REA) which is authorized, under the exemption provision of section 1 (2) to carry on its operations for an indefinite period, or until such time as the Board may determine that such operations are no longer in the public interest. Also, REA is currently engaged in negotiations with the direct air carriers with a view to the filing with us of satisfactory revised air express agreements which we directed in the Air Freight Forwarder Case. Accordingly, we are excluding REA from the scope of this investigation.

The Board, acting pursuant to sections 1 (2) 205 (a) 416 (a) and 1002 (b) of the Civil Aeronautics Act of 1938, as amended, and deeming its action necessary to carry out the provisions of said act, and to exercise and perform its powers and duties thereunder: *It is ordered,* That:

1. An investigation be and it hereby is instituted by the Board into all matters relating to and concerning services of air carriers indirectly engaged in the air transportation of property. Such investigation shall include, inter alia, an inquiry into the following matters:

(a) The question of whether the public interest requires the renewal and/or amendment of Part 296 of the Economic Regulations;

(b) The extent to which there is a need for the classification of indirect air carriers, and the extent to which there is a need for sub-classifications within such possible indirect air carrier classifications;

(c) The extent to which existing requirements of law should be modified in their application to such classifications;

(d) The extent to which there is or may be a general need for indirect air carrier services, including the following: air freight forwarders using direct carriers, air freight forwarders using indirect carriers, shippers' associations, air express forwarders (other than REA) and other similar indirect air carrier services;

(e) The types of operation best adapted to performance of the services required to meet such need;

(f) The extent to which other activities should be engaged in by such indirect air carriers to meet such need;

(g) The extent to which indirect air carrier operations should be subjected to restrictions to prevent discriminatory and destructive practices and the nature of any such restrictions;

2. The following be and they hereby are made parties to this proceeding:

(a) Every holder of a letter of registration as an air freight forwarder (domestic)

(b) Every applicant for a letter of registration as an air freight forwarder (domestic)

(c) In addition thereto, the following:

(1) Manufacturers and Wholesalers Association Shipping Conference, c/o Leslie Spelman, Koret of California, 26 O'Farrell St., San Francisco, California;

(2) Carpel-Textile Association, Inc., c/o R. L. Corn, Room 530, 610 South Main, Los Angeles 14, California;

(3) Flower Consolidators of Southern California, 750 Maple Ave., Los Angeles 14, California;

(4) Consolidated Flower Shipments, Inc., Bay Area, c/o John C. Barulich, San

Francisco Municipal Airport, South San Francisco, California;

(5) Fashion Air Cooperative Association, 475—11th Avenue, New York, New York;

(6) John C. Barulich, c/o Consolidated Flower Shipments, Inc., Bay Area, San Francisco Municipal Airport, South San Francisco, California.

(7) Metropolitan Traffic and Receiving Unit, c/o Mr. O'Grady, Traffic Manager, Saks Fifth Avenue, New York, New York;

(8) Kansas City Shippers Association, c/o Mr. Higginbotham, Traffic Manager, Jones Store, Kansas City, Missouri;

(9) New England Carnation Growers Association, Inc., Logan International Airport, East Boston, Massachusetts;

(10) North Atlantic Lobster Institute, Portland, Maine;

(11) Boston Flower Exchange, Inc., Boston, Massachusetts;

3. This proceeding be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter to be designated, at which all interested parties will be afforded an opportunity to present their views and any relevant data relating to the subject matter of this proceeding;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
*Acting Secretary.*

[F. R. Doc. 53-1391; Filed, Feb. 10, 1953; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER AUTHORIZING LIMITED ACQUISITIONS FOR PURPOSE OF STABILIZATION

FEBRUARY 3, 1953.

Electric Bond and Share Company ("Bond and Share") a registered holding company, having previously filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") proposing the disposition of its holdings of common stock of the Washington Water Power Company ("Washington Company") to be received pursuant to a plan of American Power & Light Company, a registered holding company and a former subsidiary of Bond and Share, and the Commission having approved such plan by memorandum opinion and order entered July 30, 1952 (Holding Company Act Release No. 11412) and

Bond and Share having in due course received from American Power & Light Company 183,050 shares of common stock of the Washington Company, which shares it had undertaken to dispose of pursuant to the aforesaid plan, and Bond and Share having distributed to its stockholders, pursuant to a dividend, 105,007 shares of such stock, and having sold an additional 11,500 shares, leaving a balance of 66,543 shares remaining to be disposed of; and

Bond and Share having notified the Commission, pursuant to Rule U-44 (c) of the general rules and regulations under the act, of its intention to sell its remaining holdings of common stock of the Washington Company, such sale to be made pursuant to advertisement in appropriate newspapers of Bond and Share's intention to sell such stock and to receive sealed bids therefor from any persons who advise Bond and Share that they may desire to bid; and

Bond and Share having represented that, in connection with such sale, it desires to purchase, and requests authority from the Commission to acquire, not more than 10,000 shares of common stock of the Washington Company for the purpose of stabilizing the market for that stock, any such purchases to be made on the New York Stock Exchange, to commence at the opening of the market on the date on which the foregoing advertisement is published, to be at prices (exclusive of commissions) not in excess of the last preceding sale price of the Washington Company common stock on such exchange, and to continue until the acceptance or rejection by Bond and Share of any bid made for the Washington Company stock, and Bond and Share having further represented that it intends to sell any shares so purchased for stabilizing purposes together with the other shares of the Washington Company proposed to be sold; and

The Commission having notified Bond and Share that no declaration need be filed with respect to the proposed disposition pursuant to such notice, and that the ten-day period prescribed in Rule U-44 (c) has been waived; and

It appearing to the Comission that the proposed acquisition of shares of the Washington Company common stock for the purpose of stabilization, subject to the commitment to dispose of such stock, is appropriate and is in accordance with the applicable standards of the Act, and that an order should be entered approving such acquisitions:

*It is ordered,* That the application of Electric Bond and Share Company for authority to acquire not in excess of 10,000 shares of common stock of The Washington Water Power Company, for the purposes of stabilizing the market of that stock, in acordance with the application of Electric Bond and Share Company, be, and is hereby, approved, effective forthwith, subject to the terms and conditions contained in Rule U-44.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-1367; Filed, Feb. 10, 1953; 8:45 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

LOUIS NEUMAN AND SAMUEL ZOLDAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Louis Neuman also known as Louis Newman, 3 Raleigh Place, Brooklyn, New York; Claim No. 35941; $202.17 in the Treasury of the United States. An undivided one-half interest in all right, title, interest and claim of any kind or character whatsoever of Ester Weiser in and to the estate of Rose Strasser, deceased.

Samuel Zoldan, #16, Haifa, Palestine; Claim No. 35942; $606.51 in the Treasury of the United States. An undivided one-half interest in all right, title, interest and claim of any kind or character whatsoever of Ester Weiser in and to the estate of Rose Strasser, deceased. All right, title, interest and claim of any kind or character whatsoever of Teris Zolden in and to the estate of Rose Strasser, deceased.

Executed at Washington, D. C., on February 5, 1953.

For the Attorney General.

[SEAL] ROWLAND F KIRKS,
*Assistant Attorney General,*
*Director Office of Alien Property.*

[F. R. Doc. 53-1379; Filed, Feb. 10, 1953; 8:46 a. m.]

LEOPOLDINE PAVLISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Leopoldine Pavlisch, a/k/a Frances Kvorda, Vienna, Austria; Claim No. 8869; $2,340.09 in the Treasury of the United States.

Executed at Washington, D. C., on February 5, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 53-1380; Filed, Feb. 10, 1953; 8:46 a. m.]